

**Open DFARS Cases**  
**as of December 14, 2000**

<i>Case Number</i>	<i>Part Number</i>	<i>Title</i>	<i>Synopsis</i>	<i>Status</i>
2000-D306		Performance-Based Service Contracts Using Part 12 Procedures	Implement subsection 821(b) of the Floyd D. Spence National Defense Authorization Act for FY2001 (Public Law 106-398) that authorizes DoD to treat performance-based service contracts/task orders valued at \$5M or less as commercial items if certain conditions are met.	12/13/2000, Agreed to interim DFARS rule. DAR staff processing.
2000-D305	201.603-2	Qualification Requirements for Contracting Positions	Implement section 808 of the Floyd D. Spence National Defense Authorization Act for FY2001 (Public Law 106-398) that requires a baccalaureate degree and 24 semester credit hours in business disciplines for new entrants into the GS-1102 occupational series and for contracting officers above the simplified acquisition threshold.	12/6/2000, Discussed draft proposed DFARS rule. Discuss again 1/4/2001.
2000-D304		Multiyear Service Contracts	Implement section 802 of the Floyd D. Spence National Defense Authorization Act for FY2001 (Public Law 106-398) that clarifies the authority to enter into multiyear contracts for the acquisition of services.	11/29/2000, Received CS Cmte draft interim DFARS rule. Discuss 12/13/2000.

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2000-D303		Reporting Requirements Relating to Multiyear Contracts	Implement section 806 of the Floyd D. Spence National Defense Authorization Act for FY2001 (Public Law 106-398) that requires an annual report that addresses all multiyear contracts, regardless of dollar value. Also requires a separate report prior to entering into a multiyear contract or extension above \$500 million if the information required by section 2306b, Title 10, for the contract or extension was not included in the annual report.	12/13/2000, Agreed to final DFARS rule. DAR staff processing.
2000-D302	252.225-7007 252.225-7021	Caribbean Basin Country End Products	Implement section 211 of the United States-Caribbean Basin Trade Partnership Act (Title II of Pub.L. 106-200) and the USTR determination under that act (65 FR 60236).	11/1/2000, Agreed to interim DFARS rule. DAR staff processing.
2000-D301	212.503(a)(xi) 225.7019-2(b) 225.7019-4 225.7020 (added) 225.7020-1 (added) 225.7020-2 (added) 225.7020-3 (added) 225.7020-4 (added) 252.212-7001(a) 252.225-7016 Alt I (added) 252.225-7016(c)(1) 252.225-7023 (added) 215.504(a)(xxv) 225.7019-1(a)	Domestic Source Restrictions--Ball and Roller Bearings and Vessel Propellers	Implement section 8064 of the FY2001 National Defense Appropriations Act. Section 8064 restricts acquisition of ball and roller bearings and vessel propellers other than those produced by a domestic source and of domestic origin. The restrictions do not apply to the purchase of commercial items, except ball or roller bearings purchased as end items.	12/13/2000, Published interim DFARS rule in Federal Register (65 FR 77827). Public comment period ends 2/12/2001.

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2000-D030	207.103	Review of Acquisition Plans for Purchases of Conventional Ammunition	Consistent with section 806 of the FY99 National Defense Authorization Act and a USD(AT&L) policy memorandum dated November 20, 2000, require all DoD components to submit acquisition plans for purchases of conventional ammunition to the Assistant Secretary of the Army (AL&T), Deputy of Ammunition, for review and concurrence.	12/13/2000, Agreed to final DFARS rule. DAR staff processing.
2000-D029	252.212-7001	Restriction on Contingent Fees for Foreign Military Sales-- Commercial Items	Remove the clause at DFARS 252.225-7027, Restriction on Contingent Fees for Foreign Military Sales, from the list of clauses at DFARS 252.212-7001, Contract Terms and Conditions Required to Implement Statutes or Executive Orders Applicable to Defense Acquisitions of Commercial Items.	12/5/2000, Will discuss draft proposed DFARS rule on 1/4/2001.
2000-D028	244.303 244.402	Subcontract Commerciality Determinations	Clarify that contractors must determine whether a particular subcontract item meets the definition of a commercial item, and clarify that ACOs must review the adequacy of the contractor's rationale documenting commercial item determinations during Contractor Purchasing System Reviews.	11/29/2000, Received DoD approval to publish proposed DFARS rule. DAR staff obtaining OIRA clearance to publish.
2000-D027	252.229-7003	Tax Exemptions (Italy)	Update 252.229-7003, Tax Exemptions (Italy), to identify the fiscal codes for the Army and Navy, provide the correct address to which questions regarding Italian value-added taxes may be directed, and make plain language changes to improve the clarity of the clause.	12/6/2000, Agreed to proposed DFARS rule. DAR staff processing.

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2000-D026	215.404-4 215.404-76	Cost or Pricing Data Threshold	The Cost or Pricing Data threshold in the FAR was increased from \$500,000 to \$550,000, effective October 11, 2000. This case replaces three references to the old threshold (\$500,000) in part 215 with the phrase "cost or pricing data threshold."	12/6/2000, Agreed to final DFARS rule. DAR staff processing.
2000-D024	226.104 252.226-7xxx	Utilization of Indian Organizations and Indian-Owned Economic Enterprises	Implement section 8022 of the FY01 DoD Appropriations Act (Pub. L. 106-259) that specifies that a subcontractor at any tier shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974.	11/29/2000, Agreed to draft interim DFARS rule. 12/13/2000, Received approval to publish. DAR staff obtaining OIRA clearance to publish.
2000-D023	208.001 239.101 251.102 52.251-7000 208.74	Enterprise Software Agreements	Add a subpart 208.74, Enterprise Software Agreements, to implement the DoD CIO Guidance and Policy Memorandum No. 12-8430, July 26, 2000, entitled "Acquiring Commercially Available Software."	11/15/2000, Agreed to proposed DFARS rule. 11/20/2000, Received DoD approval to publish. DAR staff obtaining OIRA clearance to publish.
2000-D020	225.3 225.75 252.225	Balance of Payments Program	FAR case 1999-616 proposes to remove all coverage of the Balance of Payments Program from the FAR. The FAR case necessitates incorporating additional coverage on the Balance of Payments Program into the DFARS.	10/11/2000, Agreed to proposed DFARS rule. 11/15/2000, Received DoD approval to publish. DAR staff obtaining OIRA clearance to publish.

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2000-D019	213.301(3)	Overseas Use of the Purchase Card in Contingency, Humanitarian, or Peacekeeping Operations	DFARS 213.301 permits the use of the Governmentwide Commercial Purchase Card on a stand-alone basis for overseas purchases of commercial items valued at or below \$25,000. This case provides this same authority (with two additional conditions) to contingency contracting officers, in support of contingency, humanitarian, or peacekeeping operations, for purchases that do not exceed the simplified acquisition threshold (\$200,000).	9/20/2000, Published proposed DFARS rule in Federal Register (65 FR 56858). 12/6/2000, Agreed to final DFARS rule. 12/11/2000, Received DoD approval to publish. DAR staff obtaining OIRA clearance to publish.
2000-D018	215.404	Changes to Profit Policy	Implement changes to the DoD profit policy at 215.404-4 as directed by the USD(AT&L).	7/24/2000, Published proposed DFARS rule in Federal Register (65 FR 45574). 10/4/2000, Tasked Adhoc Cmte to review public comments on proposed DFARS rule. 11/15/2000, Public meeting scheduled for 12/12/2000.
2000-D014	247.573 252.247-7023	Ocean Transportation by U.S.-Flag Vessels - Simplified Acquisition Threshold	Apply Cargo Preference provision and clause in solicitations and resultant contracts with an anticipated value at or below the simplified acquisition threshold.	5/31/2000, Agreed to proposed DFARS rule. 7/13/2000, Coordinating with Transportation Policy.
1999-D303	209.470 243.105(a)(ii) 243.105(a)(iii) removed 252.209-7005	Institutions of Higher Education	Implement section 549 of the National Defense Authorization Act for Fiscal Year 2000. Section 549 recodifies and consolidates statutes pertaining to denying federal grants and contracts by certain departments and agencies to institutions of higher education that prohibit senior ROTC units or military recruiting on campus.	1/13/2000, Published interim DFARS rule in Federal Register (65 FR 2056). 5/3/2000, Agreed to draft final DFARS rule. 6/6/2000, On hold at the request of OUSD(P&R).
1999-D028	203.302 203.303	Anticompetitive Teaming	Implement USD(AT&L) memo. Add policy addressing exclusive teaming arrangements.	11/18/1999, Published proposed DFARS rule in Federal Register (64 FR 63002). 4/13/2000, Agreed to draft final DFARS rule. Coordinating within OSD.

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1997-D314	209.104 212.503 213.110 217.207 222.1304 252.209	Veterans Employment Emphasis	Implement sec 8117, PL 105-56. Provide a prohibition on obligation or expenditure of funds with a contractor who has not submitted a required report on employment of Vietnam veterans.	3/11/1998, Published interim DFARS rule (63 FR 11850). 6/17/1998, Agreed to final DFARS rule. On hold pending publication of a final FAR rule under FAR Case 98-614.
1995-D712	211.70 212.3 212.503 212.504 227.7102 252.211 252.212 252.227	Acquisition of Commercial Items	Implement sections 8002(f), 8101, 8102, 8103, 8104, 8105, and 8106 of FASA. Conform DFARS to the FAR changes pertaining to the acquisition of commercial items. Implement DoD-unique requirements regarding the acquisition of commercial items.	11/30/1995, Published interim DFARS rule (60 FR 61586). 7/30/1997, On hold pending resolution of open issues under FAR Case 1994-792. 9/7/2000, FAR Council agreed to close FAR Case 1994-792. 11/15/2000, Agreed to final DFARS rule. 11/29/2000, Received DoD approval to publish. DAR staff obtaining OIRA clearance to publish.
1992-D024	245.601 245.604 245.7310 252.245	Demilitarization	Revise DFARS to address control of Munitions List items and Strategic List items and demilitarization of excess property.	3/16/1994, Published proposed DFARS rule (59 FR 12223). 3/23/1995, Published revised proposed DFARS rule (60 FR 15276). 6/5/1997, Published revised proposed DFARS rule (62 FR 30832). Awaiting revised Demilitarization Manual from DLA.
1990-037	232.7 252.232	Incremental Funding, Fixed Price Contracts	Revise 232.7 and 252.232 to permit incremental funding of fixed price contracts under certain situations.	9/1/93, Published interim rule (58 FR 46091). 1/5/94, Agreed to draft final DFARS rule. 2/22/95, Case on hold at direction of DAR Council Director.